

### **Remarks**

Claims 1 and 3 are pending. Favorable reconsideration is respectfully requested.

Non-elected claims 4 - 6 have been cancelled without prejudice as directed to a non-elected invention. The limitations of claim 2 have been incorporated into claim 1 to more particularly point out and distinctly claim what Applicants' regard as their invention. This amendment is not made for purposes of patentability.

The Abstract has been objected to for its length. An amended abstract with less than 150 words is provided herein. Withdrawal of the objection to the Abstract is solicited.

Claim 1 has been rejected under 35 U.S.C. § 112. Applicants have amended the claim to remove the language "predetermined" and "desired", etc., to which the Examiner rejected. The claim has not been narrowed by these amendments, and is now believed to fully comply with 35 U.S.C. § 112. Withdrawal of the rejection under 35 U.S.C. § 112 is respectfully solicited.

Applicants note the citation of the *Seagrams* case, 84 USPQ 180, and have amended the claims in view of the holding in that case. However, the continued vitality of the case is questioned. Almost all physical items are manufactured to predetermined (determined beforehand) standards. In the present case, as an illustration, silicon ingots are not manufactured by randomly adding ingredients to a crucible and pulling a crystal. Rather, the ingots (and wafers derived therefrom) are manufactured to targeted specifications (predetermined) of physical quantities such as resistivity, dopant concentration, dopant concentration gradients (axial and radial), etc. If one were to make ingots with the hope and not the expectation that they would meet predetermined characteristics, the cost of integrated circuits would skyrocket due to the number of ingots which would have to be scrapped.

Applicants submit that the claims are now in condition for Allowance, and respectfully request a Notice to that effect. If the Examiner believes that further discussion will advance the prosecution of the Application, the Examiner is highly encouraged to telephone Applicants' attorney at the number given below.

Respectfully submitted,

**MARTIN WEBER ET AL.**

By 

William G. Conger

Reg. No. 31,209

Attorney/Agent for Applicant

Date: June 28, 2005

**BROOKS KUSHMAN P.C.**  
1000 Town Center, 22nd Floor  
Southfield, MI 48075-1238  
Phone: 248-358-4400  
Fax: 248-358-3351